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Letter dated 11 February 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 16 December 2004 (S/2004/1006).

The Counter-Terrorism Committee has received the attached fifth report from Estonia submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Andrey I. **Denisov**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 25 January 2005 from the Permanent Mission of Estonia to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the Republic of Estonia to the United Nations presents its compliments to the Chairman and has the honour to forward the fifth report to the Counter-Terrorism Committee regarding the implementation of resolution 1373 (2001) (see enclosure).

Enclosure

1. Implementation measures of UN Security Council resolution 1373 (2001)

1.1. The amendments to the Money Laundering Prevention Act entered into force 1 January 2004. Since this date the act is called the Money Laundering and Terrorist Financing Prevention Act.

1.2. 1. The amendments of the Aviation Act should be submitted to the Government for approval in the beginning of 2005, and subsequently submitted to the Parliament.

As regards to details concerning the sharing of responsibilities between entities involved in aviation security and key security measures that shall be implemented to protect civil aviation against acts of unlawful interference, the National Civil Aviation Security Programme (NCASP) that was adopted by the National Civil Aviation Security Committee on 30 May 2003 comprises those.

2. The Maritime Safety Act's Amendment Act has been presented to the Parliament (The Riigikogu) and the first reading of the draft was completed on 12 January 2005.

The draft Act has been repeatedly reviewed according to the ISPS Code and the regulation of the European Parliament and the Council of 31 March 2004 on enhancing ship and port facility security (EC) No 725/2004. In principle the regulation repeats provisions of the ISPS Code. The European Parliament and Council are now preparing a new directive on enhancing port security.

On 15 July 2004 an Expert Committee was established by the Government of Estonia with the objective of elaborating national maritime security program. The Committee has initiated its work, which consists of the analysis of the security situation, risk analysis and drawing up security plans for vessels and ports. Underlying bases for that are the ISPS Code and regulation (EC) No 725/2004.

1.3. Security Police Board (responsible administrative and investigative authority in counter terrorism matters) officials working on counter terrorism issues have been trained to use various techniques for tracing suspicious assets.

1.4. According to the Money Laundering and Terrorist Financing Prevention Act paragraph 13 (3) the head of a credit or financial institution is required to establish a code of conduct for employees to prevent money laundering and terrorist financing, and to establish internal audit rules to monitor compliance with the code of conduct. The Minister of Finance has to establish requirements for the code of conduct by credit and financial institutions, for the internal audit rules to monitor compliance with the code of conduct and for the application of such documents.

The draft of these requirements has been sent to the relevant authorities and institutions for comments.

Financial Supervision Authority (FSA) has prepared a draft regulation on additional measures for the improvement of internal procedural rules for credit and financial institutions in connection with the enforcement of the sanctions imposed on the basis of International Sanctions Act or of other request for the legal assistance, which is available for comments on the web site of the FSA. The guidelines on the enforcement of financial sanctions will become applicable as soon as the International Sanctions Act has been amended and the basis for such a guideline has been established.

1.5. Persons that are not subject to international sanctions but are suspected of financing terrorism fall within the scope of the Money Laundering and Terrorist Financing Prevention Act.

1.6. The Security Police Board of Estonia has concluded several Memoranda of Understanding (MoU) with Tax and Customs Board, Border Guard Board and General Staff of Defence Forces. MoU-s provide the framework for exchange of information, establishment of joint investigation teams, usage of technical means and usage of forensic and technical experts.

1.7. Penal Code enacts following crimes: computer sabotage (§ 206), damaging of connection to computer network (§ 207), spreading of computer viruses (§ 208). Misuse of internet causing health damage or death or unlawful seizure, damage or destruction of property and if this act is committed with the intention to provoke war or international conflict or for political or religious causes is considered as an act of terrorism according to the Penal Code § 237.

Estonia has also joined the Council of Europe Convention on Cybercrime, signed in Budapest on 23 November 2001, which aim is more effective combat against international cybercrime and which for that purpose enacts relevant measures, including international co-operation, to achieve that.

1.8. 1. The Parliament adopted The Name Act on 15 December 2004 and it will enter into force on 31 March 2005.

According to the act there must be a compelling reason to give a person a new given name or surname. Normally a new given name, surname or personal name is given to a person just once. It is within the authority of a Minister for Regional Affairs to decide.

The Name Act also regulates the application of a personal name when documenting personal data. Personal name is applied according to name laid on

travel document or other legalised (or verified with apostille) document. Once applied personal name is the basis for further documents that are issued to that person.

2. Estonian citizenship is acquired, resumed or lost under the conditions and pursuant to the procedure provided for in "Citizenship Act".

Citizenship is acquired by birth, by naturalisation or resumed by a person who lost Estonian citizenship as a minor. It is acquired by birth if at least one of the parents of the child holds Estonian citizenship at the time of the birth of the child or the child is born after the death of his or her father and if the father held Estonian citizenship at the time of his death.

According to the Citizenship Act an alien who wishes to acquire Estonian citizenship by naturalisation shall:

1) be at least 15 years of age;

2) have stayed in Estonia permanently on the basis of a permanent residence permit for at least five years prior to the date on which he or she submits an application for Estonian citizenship and for six months from the day following the date of registration of the application;

3) have knowledge of the Estonian language in accordance with the requirements provided for in the Citizenship Act;

4) have knowledge of the Constitution of the Republic of Estonia and the Citizenship Act in accordance with the requirements provided for in the Citizenship Act;

5) have a permanent legal income which ensures his or her own subsistence and that of his or her dependants;

6) be loyal to the Estonian state;

7) take an oath: "In applying for Estonian citizenship, I swear to be loyal to the constitutional order of Estonia."

Estonian citizenship may also be granted for achievements of special merit.

Citizenship and Migration Board regulates the arrangements related to citizenship. Decisions on the granting or resumption of Estonian citizenship shall be taken by the Government.

Government has also adopted "Regulation on implementation of the Citizenship Act", which stipulates the forms of application of acquirement, resumption and losing of Estonian citizenship.

1.9. Estonia considers the security of national identity papers and travel documents continually an important subject as well as the replacement of old documents that are still in use.

1.10. Strategic goods act entered into force 5 February 2004. Act regulates export of strategic goods and transit thereof through Estonia, as well as import of military

goods, export of services related to military goods and ensuring supervision of the import and end-use of strategic goods. Act also defines brokering, sets up prerequisites for brokering and establishes a brokering register.

According to act special authorisation shall be required for the import, export and carriage in transit of goods included in the list of strategic goods and for the provision of services.

Act enacts bases related to requesting and issuing licences and transit permissions. The Strategic Goods Commission is formed at the Ministry of Foreign Affairs. The commission, that includes representatives of the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of Economic Affairs and Communications, the Security Police Board, the Police Board and the Tax and Customs Board, issues licences and transit permissions. The commission shall refuse to issue a licence, if :there is information that the goods may be used to endanger national, regional or international security, including for terrorist acts.

In order to ensure the operation of the commission, the Ministry of Foreign Affairs shall maintain the state register of brokers of military goods, and the database of Individual Import Licences, Export Licences, Transit Permissions, General Export Authorisation User Certificates and end-use control documents relating to strategic goods which is a state agency database, as defined in the Databases Act. By collecting and using information, the commission shall co-operate with appropriate foreign authorities and international organisations and perform the consultation obligation and the obligation to exchange information concerning strategic goods imposed on Estonia by international agreements.

The commission guarantees control over the import and end-use of strategic goods with the end-use control documents. Control over the import and end-use of strategic goods is exercised by the Security Police Board, the Police Board and the Tax and Customs Board within the limits of their competence on the basis of end-use control documents. Control over the import, export and transit of strategic goods shall be exercised by the Tax and Customs Board within the limits of competence. Control over services related to military goods shall be exercised by the Security Police Board. The Tax and Customs Board and the Security Police Board shall notify the commission immediately of any offences related to strategic goods which are discovered and violations of international sanctions. The commission shall submit an activity report to the Government of the Republic at least once a year.